

By: Campbell

S.B. No. 1867

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Cascades Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8477 to read as follows:

CHAPTER 8477. CASCADES MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8477.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Cascades Municipal Utility District No. 1.

Sec. 8477.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8477.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8477.004. CONSENT OF MUNICIPALITY REQUIRED. The

temporary directors may not hold an election under Section 8477.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8477.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8477.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8477.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8477.052, directors serve
6 staggered four-year terms.

7 Sec. 8477.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) John R. C. Munn;

10 (2) George Roman;

11 (3) Allen Gallia;

12 (4) Donna Morgan; and

13 (5) Charlotte Vick.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8477.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8477.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8477.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8477.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8477.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8477.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve, and
20 convey to this state, a county, or a municipality for operation and
21 maintenance macadamized, graveled, or paved roads described by
22 Section 54.234, Water Code, or improvements, including storm
23 drainage, in aid of those roads.

24 (b) The district may exercise the powers provided by this
25 section without submitting a petition to or obtaining approval from
26 the commission as required by Section 54.234, Water Code.

27 Sec. 8477.104. APPROVAL OF ROAD PROJECT. (a) The district

1 may not undertake a road project authorized by Section 8477.103
2 unless:

3 (1) each municipality or county that will operate and
4 maintain the road has approved the plans and specifications of the
5 road project, if a municipality or county will operate and maintain
6 the road; or

7 (2) the Texas Transportation Commission has approved
8 the plans and specifications of the road project, if the state will
9 operate and maintain the road.

10 (b) Except as provided by Subsection (a), the district is
11 not required to obtain approval from the Texas Transportation
12 Commission to design, acquire, construct, finance, issue bonds for,
13 improve, or convey a road project.

14 Sec. 8477.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
15 OR RESOLUTION. The district shall comply with all applicable
16 requirements of any ordinance or resolution that is adopted under
17 Section 54.016 or 54.0165, Water Code, and that consents to the
18 creation of the district or to the inclusion of land in the
19 district.

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 8477.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
22 district may issue, without an election, bonds and other
23 obligations secured by:

24 (1) revenue other than ad valorem taxes; or

25 (2) contract payments described by Section 8477.153.

26 (b) The district must hold an election in the manner
27 provided by Chapters 49 and 54, Water Code, to obtain voter approval

1 before the district may impose an ad valorem tax or issue bonds
2 payable from ad valorem taxes.

3 (c) The district may not issue bonds payable from ad valorem
4 taxes to finance a road project unless the issuance is approved by a
5 vote of a two-thirds majority of the district voters voting at an
6 election held for that purpose.

7 Sec. 8477.152. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 8477.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district in accordance with Section 49.107, Water Code.

11 (b) The board shall determine the tax rate. The rate may not
12 exceed the rate approved at the election.

13 Sec. 8477.153. CONTRACT TAXES. (a) In accordance with
14 Section 49.108, Water Code, the district may impose a tax other than
15 an operation and maintenance tax and use the revenue derived from
16 the tax to make payments under a contract after the provisions of
17 the contract have been approved by a majority of the district voters
18 voting at an election held for that purpose.

19 (b) A contract approved by the district voters may contain a
20 provision stating that the contract may be modified or amended by
21 the board without further voter approval.

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

23 Sec. 8477.201. AUTHORITY TO ISSUE BONDS AND OTHER
24 OBLIGATIONS. The district may issue bonds or other obligations
25 payable wholly or partly from ad valorem taxes, impact fees,
26 revenue, contract payments, grants, or other district money, or any
27 combination of those sources, to pay for any authorized district

1 purpose.

2 Sec. 8477.202. TAXES FOR BONDS. At the time the district
3 issues bonds payable wholly or partly from ad valorem taxes, the
4 board shall provide for the annual imposition of a continuing
5 direct ad valorem tax, without limit as to rate or amount, while all
6 or part of the bonds are outstanding as required and in the manner
7 provided by Sections 54.601 and 54.602, Water Code.

8 Sec. 8477.203. BONDS FOR ROAD PROJECTS. At the time of
9 issuance, the total principal amount of bonds or other obligations
10 issued or incurred to finance road projects and payable from ad
11 valorem taxes may not exceed one-fourth of the assessed value of the
12 real property in the district.

13 SECTION 2. The Cascades Municipal Utility District No. 1
14 initially includes all the territory contained in the following
15 area:

16 BEING 223.68 ACRES OF LAND, AS SURVEYED BY LANDESIGN SERVICES,
17 INC., OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS,
18 AND BEING ALL OF A CALLED 117.188 ACRE TRACT, ALL OF A CALLED 2.273
19 ACRE TRACT, ALL OF A CALLED 87.884 ACRE TRACT, ALL OF CALLED 8.17
20 ACRE TRACT ALL DESCRIBED IN CORRECTION JOINT PARTNERSHIP
21 CONTRIBUTION GENERAL WARRANTY DEED TO ONION ASSOCIATES, LTD
22 RECORDED IN DOCUMENT NO. 2006236625, ALL OF A CALLED 1.9965 ACRE
23 TRACT DESCRIBED IN DOC. NO. 2006146663 ALL OF THE OFFICIAL PUBLIC
24 RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.) AND 6.038 ACRE TRACT
25 OUT OF LOT 1, ST. ALBIN'S ADDITION A SUBDIVISION OF RECORD IN
26 CABINET 86, SLIDE 88C OF THE PLAT RECORD OF TRAVIS COUNTY ; AND
27 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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1 BEGINNING at a 1/2" iron rod with cap marked "LANDESIGN" set in the
2 existing east right-of-way line of Interstate Highway 35 (IH 35)
3 (400' right-of-way width), in the west line of said Lot 1 and in the
4 east line of a called 14.771 acre tract described in deed to the
5 State of Texas for right-of-way recorded in Volume 1608, Page 170 of
6 the D.R.T.C.T.;

7 THENCE North 17°32'12" East 1714.84 feet with the west line of said
8 Lot 1, the west line of said 1.9965 acres and the east line of said
9 87.884 acres and the existing east right-of-way line of IH 35 to a
10 calculated point in the center of Onion Creek at the northwest
11 corner of the 87.884 acres and the southwest corner of Lot A, Onion
12 Creek Section 1-B, a subdivision of record in Book 79, Page 313 of
13 the Plat Records of Travis County, Texas;

14 THENCE South 75°57'21" East 450.62 feet with the centerline of Onion
15 Creek, the north line of the 87.884 acres, the south line of said
16 Lot A, and the south line of Lot B, Onion Creek Section 1-C, a
17 subdivision of record in Book 79, Page 311 of the Plat Records of
18 Travis County, Texas to a calculated point;

19 THENCE South 77°12'21" East 334.57 feet with the centerline of Onion
20 Creek, the north line of the 87.884 acres, the south line of said
21 Lot B, the south line of Lot C, Onion Creek Section 1-D, a
22 subdivision of record in Book 79, Page 309 of the Plat Records of
23 Travis County, Texas, and the south line of a remainder of a called
24 960 acre tract described in deed to Onion Creek Development Company
25 recorded in Volume 9111, Page 262 of the D.R.T.C.T. to a calculated
26 point;

27 THENCE with the centerline of Onion Creek, the north line of the

87.884 acres, and the south line of said remainder of 960 acres the following eight (8) courses:

1. South 59°56'55" East 220.25 feet to a calculated point;
2. South 75°15'28" East 402.24 feet to a calculated point;
3. South 79°40'28" East 357.17 feet to a calculated point;
4. South 42°47'28" East 114.70 feet to a calculated point;
5. South 60°30'58" East 308.12 feet to a calculated point;
6. South 03°38'28" East 131.00 feet to a calculated point;
7. South 27°58'28" East 206.00 feet to a calculated point;
8. South 56°44'22" East 249.40 feet to a calculated point at the northeast corner of the 87.884 acres and the northwest corner of said 117.188 acres;

THENCE with the centerline of Onion Creek, the north line of the 117.188 acres, and the south line of said remainder of 960 acres the following four (4) courses:

1. South 61°45'03" East 450.70 feet to a calculated point;
2. South 53°04'03" East 251.84 feet to a calculated point;
3. South 45°15'03" East 186.54 feet to a calculated point;
4. South 65°01'55 East 50.33 feet to a calculated point at the northeast corner of the 117.188 acres and the northwest corner of a called 64 acre tract described as First Tract in deed to Richard D. Spillman recorded in Volume 6287, Page 218 of the D.R.T.C.T.;

THENCE South 27°48'54" West, passing a capped iron rod stamped "RPLS 4091" at 58.94 feet and continuing a total distance of 838.63 feet with the east line of the 117.188 acres and the west line of the 64 acres to a to a 1/2" iron rod found;

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1 THENCE South 27°33'39" West 498.18 feet continuing with the east
2 line of the 117.188 acres and the west line of the 64 acres to a 7/8"
3 iron rod found at the southwest corner of the 64 acres;
4 THENCE South 74°32'31" East 1128.82 feet with the north line of the
5 117.188 acres and the south line of the 64 acres to a 5/8" iron rod
6 found at the northwest corner of a called 24.60 acre tract described
7 in said deed to Richard D. Spillman recorded in Volume 6287, Page
8 218 of the D.R.T.C.T.;
9 THENCE South 27°34'11" West 2048.99 feet with the east line of the
10 117.188 acres and the west line of the 24.60 acres to a 1/2" iron rod
11 found at the southeast corner of the 117.188 acres, the southwest
12 corner of the 24.60 acres, and in the north line of a called 30 acre
13 tract described as part of the Fifth Tract in said deed to Richard
14 D. Spillman recorded in Volume 6287, Page 218 of the D.R.T.C.T.;
15 THENCE North 62°29'14" West 1103.84 feet with the south line of the
16 117.188 acres and the north line of the 30 acres to a 1/2" iron rod
17 found at the northwest corner of the 30 acres and the northeast
18 corner of a called 30.5 acre tract described as part of the Fifth
19 Tract in said deed to Richard D. Spillman recorded in Volume 6287,
20 Page 218 of the D.R.T.C.T.;
21 THENCE North 65°21'21" West 458.13 feet with the south line of the
22 117.188 acres and the north line of the 30.5 acres to a 1/2" iron rod
23 found;
24 THENCE North 65°40'34" West 449.66 feet continuing with the south
25 line of the 117.188 acres and the north line of the 30.5 acres to a
26 1/2" iron rod with cap stamped "LANDESIGN" found at the southwest
27 corner of the 117.188 acres and the southeast corner of a called 27

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1 acre tract described as part of the Fifth Tract in said deed to
2 Richard D. Spillman recorded in Volume 6287, Page 218 of the
3 D.R.T.C.T.;

4 THENCE North 27°19'41" East 1665.86 feet with the west line of the
5 117.188 acres and the east line of the 27 acres to a 60-d found in a
6 hackberry tree;

7 THENCE North 27°22'02" East 188.61 feet with the west line of the
8 117.188 acres and the east line of the 27 acres to a 1/2" iron rod
9 found;

10 THENCE North 25°45'46" East 233.22 feet continuing with the west
11 line of the 117.188 acres and the east line of the 27 acres to a 1/2"
12 iron rod found at the southwest corner of the 87.884 acres and the
13 northeast corner of a the 27 acres;

14 THENCE North 74°02'03" West 712.31 feet with the south line of the
15 87.884 acres and the north line of the 27 acres to a 1/2" iron rod
16 with cap stamped "LANDESIGN" set;

17 THENCE North 73°53'51" West 10.10 feet with the south line of the
18 87.884 acres and the north line of the 27 acres to a 1/2" iron rod
19 with cap stamped "LANDESIGN" set at the northwest corner of the 27
20 acres and the northeast corner of the said 2.273 acres;

21 THENCE with the east line of the 2.273 acres and the west line of the
22 27 acres the following three (3) courses:

23 1. South 41°45'45" West 8.27 feet to a 1/2" iron rod with cap
24 marked "LANDESIGN" set;

25 2. South 81°26'45" West 95.67 feet to a 1/2" iron rod with
26 cap marked "LANDESIGN" set;

27 3. South 02°46'45" West 125.27 feet to a 1/2" iron rod found

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1 at the southeast corner of the 2.273 acres and the northeast corner
2 of a called 8.17 acre tract described in deed to Onion Associates,
3 LTD recorded in Document No. 2006236625 of the O.P.R.T.C.T.;
4 THENCE with the east line of said 8.17 acre tract, the west line of
5 said 27 acres and with the center of ravine the following seven (7)
6 courses:

7 1. South 02°45'21" West a distance of 183.65 feet to a 1/2
8 inch iron rebar with cap marked "LANDESIGN" set;

9 2. South 30°23'21" West a distance of 196.83 feet to a 1/2
10 inch iron rebar with cap marked "LANDESIGN" set;

11 3. South 54°24'14" West a distance of 69.90 feet to a 1/2
12 inch iron rebar with cap marked "LANDESIGN" set;

13 4. South 19°24'02 West a distance of 23.32 feet to a 1/2 inch
14 iron rebar with cap marked "LANDESIGN" set;

15 5. South 38°57'02" East a distance of 47.93 feet to a 1/2
16 inch iron rebar with cap marked "LANDESIGN" set;

17 6. South 16°41'39" West a distance of 57.49 feet to a 1/2
18 inch iron rebar with cap marked "LANDESIGN" set;

19 7. South 35°10'00" West a distance of 61.07 feet to a 1/2
20 inch iron rebar found for the southeast corner of said 8.17 acre
21 tract and the northeast corner of a called 58.3885 acre tract
22 described as Tract 1 conveyed to South IH 35 Investors, LP. of
23 record in Document No. 2006214573 of the Official Public Records of
24 Travis County Texas;

25 THENCE North 66°56'45" West with the south line of said 8.17 acre
26 tract and the north line of said Tract 1 passing the southeast
27 corner of said Tract 1 and the southwest corner of said Lot 1 at

580.62 feet a continuing a total distance of 866.80 feet to a 1/2" iron rod with cap marked "LANDESIGN" set; THENCE crossing through said Lot 1 the following two (2) courses:

1. North 17°51'38" East a distance of 576.13 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;

2. North 73°51'44" West a distance of 725.16 feet to the POINT OF BEGINNING.

This parcel contains 223.68 acres of land, more or less, out of the Santiago Del Valle Grant in Travis County, Texas. All bearings are based on Grid North of the Texas State Plane Coordinate System, Central Zone.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds
4 vote of all the members elected to each house, Subchapter C, Chapter
5 8477, Special District Local Laws Code, as added by Section 1 of
6 this Act, is amended by adding Section 8477.106 to read as follows:

7 Sec. 8477.106. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

9 (b) This section is not intended to be an expression of a
10 legislative interpretation of the requirements of Section 17(c),
11 Article I, Texas Constitution.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.